

Ser. No. 10/670,408
TIMK 8497U1
Amendment Dated December 16, 2005
Reply to Office Action of August 25, 2005

REMARKS

Claims 1-6 and 8-19 are pending. Claim 10 is indicated as allowable. Claims 1-6, 8, 9, 11 and 13-19 are rejected. Claim 12 is objected to. Claims 1, 4, 9, 11, 13, 15, 16, and 18 are amended herein. Claims 20 and 21 are added herein. Claim 12 is canceled herein.

Objection of Claim 9

Lines 2-3 of claim 9 is objected to as incorrectly reciting "fixed a support shaft." It has been amended to correctly recite "the fixed support shaft." Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 9.

Rejection of Claims 1-6, 8-9, and 13-19 Under 35 U.S.C. §112.

Claims 1-6, 8-9, and 13-19 are rejected under 25 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claims 1, 4, 8, 13, 15, 16, 18, and have been amended herein to provide proper antecedent basis. Applicant submits that the claims as amended herein to particularly point out and distinctly claim the subject matter. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-6, 8-9, and 13-19 under 25 U.S.C. §112, second paragraph.

Rejection of Claims 8-9, 11, 13, 15-16, and 18 Under 35 U.S.C. §102.

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Claims 8-9, 11, 13, 15-16, and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,945,270 issued to *Nelson* (hereafter referred to as "*Nelson*").

Applicant traverses the rejection of claims 8, 13, 16. The MPEP states,

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

MPEP § 2131.

Claim 8 includes a flexible mounting that "biases a center of the planetary roller towards a center of the support shaft, thereby pushing and pulling the planetary roller into and out of a convergent wedge..." *Nelson* fails to describe such a means for flexible mounting. Oppositely in *Nelson*, springs (45) provide an urging force that only pushes the rollers (9 and 10) away from the center of the supporting shafts (34 and 35) and into engagement with an internal traction surface (7). This is evidenced by Column 8 lines 5-9 which states, "When either roller 9 or 10 is acting as a reaction roller, it fully deflects its own set of energizing springs 45 until its roller supporting shaft firmly contacts the inner surface of its clearance hole, as seen for roller 10 in FIG. 3." Also see Column 7 lines 59-64. Therefore, Applicant respectfully submits that claim 8 is not anticipated by either *Nelson*.

Claim 13 includes a flexible mounting "capable of pushing and pulling the roller into and out of the convergent wedge..." As discussed above, *Nelson* fails to describe

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such a flexible mounting. Therefore, Applicant respectfully submits that claim 13 is not anticipated by either *Nelson*.

Claim 16 includes a "flexible mounting that biases a center of the roller to a center of a fixed support shaft, thereby pushing and pulling the roller into and out of the convergent wedge..." As discussed above, *Nelson* fails to describe such a flexible mounting. Therefore, Applicant respectfully submits that claim 16 is not anticipated by either *Nelson*.

Claims 9, 15, and 18 depend from respective base claims 8, 13, and 16 and therefore, incorporate all of the subject matter of the base claims. Because a dependant claim cannot be anticipated if the independent claim from which it depends is not anticipated, dependant claims 9, 15, and 18 of the present application must also be found unanticipated. Therefore, applicant respectfully requests that the rejection of claims 8-9, 13, 15-16, and 18 be withdrawn.

As suggested by Examiner, Independent claim 11 has been amended to incorporate the subject matter of original claim 12. Claim 12 has been cancelled. Therefore, Applicant believes that the prior art references no longer contain all the claim limitations of claim 11. Therefore, applicant respectfully requests that the rejection of claim 11 be withdrawn.

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New Claims 20 and 21.

Claims 20 and 21 have been added. None of the references of record, either independently or in combination, teach or suggest the claimed subject matter of Claims 20 and 21. Therefore, applicant submits that claims 20 and 21 constitute allowable subject matter and should be favorably considered by the Examiner, and applicant respectfully requests that a timely Notice of Allowance be issued for those claims.


Conclusion.

Applicant believes the above analysis and the amendments made herein overcome all of the Examiner's objections and all of the Examiner's rejections. Therefore, applicant submits that claims 1-6, 8-11, and 13-21 constitute allowable subject matter and should be favorably considered by the Examiner, and issue a timely Notice of Allowance for those claims.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17, which may be required by this paper to Deposit Account 162201.

Respectfully submitted,

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